

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

SEPTICAIRAIID LLC,
Plaintiff,

v.

Case No. 14CV0172

KARL HOLT,
Defendant.

ORDER

On March 18, 2015, I held a status conference in this case to discuss the viability of plaintiff's claims given my recent decision in *Aero-Stream LLC v. Septicairaid LLC*, Case No. 12-CV-0190, that the mark "Septicairaid" is not protectable under the Lanham Act. No party disagreed with the proposition that it would be appropriate to dispose of the case based on the doctrine of issue preclusion. See *Cohen v. Bucci*, 905 F.2d 1111, 1112 (7th Cir. 1990) (stating that issue preclusion applies to a question that has been actually litigated and determined by a valid and final judgment if the determination is essential to the judgment); Restatement (Second) of Judgments § 27.

THEREFORE, IT IS ORDERED that this case is **DISMISSED** with prejudice based on issue preclusion. The Clerk shall enter judgment.

Dated at Milwaukee, Wisconsin, this 18th day of March, 2015.

s/ Lynn Adelman

LYNN ADELMAN
District Judge